

From: Keith Allred
Sent: Monday, April 18, 2011 11:18 AM
To: 'lab@assuredpdx.com'
Cc: Robin Bartolo
Subject: BRUXZIR - Assured DL.doc

NOTICE Re: Infringement of Glidewell Laboratories' Trademark



April 18, 2011

TRANSMITTED VIA EMAIL, FAX
AND DELIVERED BY U.S. MAIL

Assured Dental Lab
P. O. Box 4420
Portland, OR 97208-4420

Toll Free 1-877-283-5351
Fax 503-283-5375

lab@assuredpdx.com
www.assureddentallab.com

Attn: President

**Re: Infringement of Glidewell Laboratories' BruxZir® Trademarks, Misbranding,
Violation of Federal Acts and State Statutes and Unfair Business Practices**

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

The promotion of dental laboratory services to dentist by your lab of a Z-Brux crown is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance

GL 241
(Page 4 of 99)

EXHIBIT 109
WIT: Bartolo
DATE: 10-23-12
L. Moskowitz, CSR 10816, RPR

is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under California law (California Business and Professions Code §17200)

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the owner's mark and results in "brand confusion" and the likelihood of 'initial interest' confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks in your promotions and elsewhere. Should you not terminate use of the mark, Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call Glidewell Direct.

Your prompt attention is appreciated.

Sincerely,

KEITH D. ALLRED
Attorney for Glidewell Laboratories
4141 MacArthur Blvd.
Newport Beach, CA 92660
Tel 949-440-2683
Fax 949-440-2787
Email kallred@glidewelldental.com

Confidentiality Note: This e-mail, and any attachment to it, contains privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.

-- ATTACHMENT "A" --

[Copied from Assured DL website: <http://www.assuredentallab.com/index.htm>]

EXHIBIT 22
-342-